

Message Text

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PAGE 01 WELLIN 04826 01 OF 04 110744Z
ACTION EA-12

INFO OCT-01 EUR-12 IO-13 ISO-00 STR-07 EB-08 AGRE-00
AID-05 OES-09 DLOS-09 L-03 CIAE-00 DODE-00 INR-10
NSAE-00 PA-01 ICA-11 SP-02 COME-00 TRSE-00 /103 W
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R 110551Z SEP 78
FM AMEMBASSY WELLINGTON
TO SECSTATE WASHDC 6206
INFO AMEMBASSY BRUSSELS
AMEMBASSY CANBERRA
USMISSION GENEVA
AMEMBASSY MANILA
AMEMBASSY SEOUL
AMEMBASSY SUVA
AMEMBASSY TAIPEI
AMEMBASSY TOKYO
CINCPAC HONOLULU
AMCONSUL AUCKLAND BY POUCH

C O N F I D E N T I A L SECTION 01 OF 04 WELLINGTON 04826

DEPT. PASS STR; USMTN; CINCPAC FOR POLAD;
TOKYO ALSO FOR RFO

EO 11652: GDS
TAGS: EFIS, ETRD, JA, NZ, KS, TW, US

SUBJECT: NEW ZEALAND FISHERIES UPDATE: NEW ZEALAND-JAPAN
- FISHERIES AGREEMENT SIGNED; FISHERIES DISCUSSIONS
- WITH SOUTH KOREA AND THE REPUBLIC OF CHINA;
- NZ FISH EXPORTS .

REF: (A) TOKYO 14989; (B) WELLINGTON 04254 (NOTAL)

SUMMARY: JAPAN AND NEW ZEALAND SIGNED FISHERIES AGREE-
MENT SEPTEMBER 1ST. GNZ UNILATERAL STATEMENTS RELEASED
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PAGE 02 WELLIN 04826 01 OF 04 110744Z

TO COINCIDE WITH THE SIGNING INDICATE THAT A MULDOON-
LED GOVERNMENT WILL MAKE THE LEVEL OF AGRICULTURAL ACCESS
TO JAPANESE MARKETS AN "IMPORTANT FACTOR" IN SETTING
FUTURE JAPANESE FISHING QUOTAS. IN SEPARATE ACTION,
THE SOUTH KOREANS WERE TURNED DOWN ON THEIR APPEAL FOR
AN INCREASED 1978-79 QUOTA, AND REP. OF CHINA INTERESTS
WERE DENIED A REQUEST FOR A SQUID QUOTA. NZ FISH

EXPORTS ACHIEVED A RECORD HIGH. END SUMMARY.

1. NEW ZEALAND - JAPANESE FISHING AGREEMENT:

- WITH CABINET LEVEL CONCURRENCE OF THE GNZ AND GOJ, THE FISHERIES AGREEMENT INITIALED ON AUGUST 18 (REFTEL A) WAS SIGNED SEPTEMBER 1ST IN WELLINGTON. AGREEMENT AND SIGNATURE FOLLOWED SEVERAL WEEKS OF DIFFICULT BARGAINING IN WHICH THE SUBSTANTIVE PROBLEMS (OF WHICH THERE WERE SEVERAL) WERE CONSTANTLY OVERSHADOWED BY POLITICAL WRESTLING. MFA SOURCES CONSIDER AGREEMENT, NONETHELESS, TO BE A VERY GOOD ONE FROM POINT OF VIEW OF PROTECTING AND MANAGING NZ FISHERIES. THEY ALSO EXPRESSED SATISFACTION WITH JAPANESE AGREEMENT TO ARTICLES WHICH MFA NEGOTIATORS CLAIM JAPAN HAS RESISTED IN OTHER FISHERIES NEGOTIATIONS.

- A. NEGOTIATING STYLE:

- MFA AND JAPANESE EMBASSY NEGOTIATORS DESCRIBED NEGOTIATIONS AS EXTREMELY THOROUGH, BUT ALWAYS CORDIAL. MFA PARTICIPANTS EXPRESSED PARTICULAR RESPECT FOR SKILL AND TEMPERAMENT OF JAPANESE AMBASSADOR KAGEI. PRIVATELY THEY EXPRESSED FRUSTRATION, HOWEVER, AT WHAT THEY INTERPRETED AS AN EXCRUCIATING PACE OF NEGOTIATIONS, ESPECIALLY THE JAPANESE INSISTENCE ON DISCUSSING THE MEANING OF EVERY WORD AND PUNCTUATION MARK. THE JAPANESE, CONFIDENTIAL

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PAGE 03 WELLIN 04826 01 OF 04 110744Z

ON THE OTHER HAND, REPORTEDLY CONSIDERED THE NEGOTIATIONS TO BE PROCEEDING AT A LIGHTNING PACE, AND, AT THE CONCLUSION, THE GOJ ADVISED THE GNZ THAT IT WAS PREPARED, IN THE INTEREST OF EXPEDITION, TO WAIVE SIGNATURE OF THE AGREEMENT IN THE JAPANESE TRANSLATION.

- B. SUBSTANTIVE PROBLEMS:

- ACCORDING TO MFA SOURCES, SUBSTANTIVE PROBLEMS WERE THE CAUSE FOR THE DELIBERATE PACE IN ONLY TWO AREAS: INSURANCE COVERAGE FOR JAPANESE FISHING VESSELS AND TREATMENT OF THE HIGH SEAS ENCLAVES WITHIN NZ 200-MILE EEZ. UNLIKE EARLIER AGREEMENTS REACHED BY GNZ WITH THE USSR AND SOUTH KOREA, THE JAPANESE CLAIMED THAT, UNDER THEIR DOMESTIC LAW, THE GOJ COULD NOT ASSUME ANY LIABILITY FOR LOSS OR DAMAGE CAUSED BY JAPANESE FISHING VESSELS. THROUGH ARTICLE VI OF THE AGREEMENT AND A SEPARATE MEMORANDUM OF UNDERSTANDING (SECTION 2), THE GOJ, HOWEVER, DID AGREE TO ASSURE INDIVIDUAL VESSEL INSURANCE, JOINT JAPANESE FISHING INDUSTRY LIABILITY, AND GOJ-GNZ CONSULTATIONS TO RESOLVE DAMAGE CLAIMS NOT PROMPTLY AND ADEQUATELY SETTLED.

- SIMILARLY, GOJ NEGOTIATORS ACCEPTED NEW ZEALAND'S CONCERN FOR CAREFUL TREATMENT OF THE ENCLAVES, BUT RESISTED ANY SOLUTION WHICH COMPROMISED THE HIGH SEAS STATUS OF THE AREAS COMPLETELY SURROUNDED BY THE NZ ZONE. IN A SEPARATE MEMORANDUM OF UNDERSTANDING, THE GOJ AGREED THAT JAPANESE VESSELS NOT LICENSED TO FISH WITHIN THE NZ ZONE ALSO WOULD NOT FISH WITHIN THE ENCLAVES AND THAT VESSELS LICENSED TO FISH WITHIN THE ZONE BUT FISHING WITHIN THE ENCLAVES WOULD DO SO ONLY IN ACCORD WITH NEW ZEALAND CON-

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PAGE 01 WELLIN 04826 02 OF 04 110753Z

ACTION EA-12

INFO OCT-01 EUR-12 IO-13 ISO-00 STR-07 EB-08 AGRE-00

AID-05 OES-09 DLOS-09 CIAE-00 DODE-00 INR-10

NSAE-00 PA-01 ICA-11 SP-02 COME-00 TRSE-00 L-03

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C O N F I D E N T I A L SECTION 02 OF 04 WELLINGTON 04826

SERVATION AND MANAGEMENT MEASURES.

- C. FISH-FOR-TRADE LINKAGE:

- REFTEL B AND ITS PREVIOUS REFERENCES PROVIDE DETAILS OF THE LINKAGE PRIMIN MULDOON HAS ENDEAVORED TO FORGE BETWEEN ACCESS FOR NEW ZEALAND AGRICULTURAL PRODUCTS IN JAPAN AND ACCESS FOR JAPANESE FISHING VESSELS IN NEW ZEALAND'S EEZ. REFTEL B ALSO PROVIDES BACKGROUND FOR GNZ'S POSITION (PRIMARILY THAT OF PRIMIN MULDOON) THAT

THE PRESS COMMENTS OF GOJ MINISTER OF EXTERNAL ECONOMIC RELATIONS USHIBA UNDERMINED THE GROUNDWORK LAID BY GOJ AGRICULTURE MINISTER NAKAGAWA AND MULDOON. (FYI: JAPANESE EMBASSY SOURCES HAVE ACKNOWLEDGED THAT USHIBA WAS IN-CONFIDENTIAL

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PAGE 02 WELLIN 04826 02 OF 04 110753Z

ADEQUATELY BRIEFED ON THE NAKAGAWA VISIT BEFORE HE MET THE NZ PRESS. END FYI.)

- EMBASSY COMMENT: UNQUESTIONABLY THE NEGOTIATION OF THE JAPANESE FISHING AGREEMENT HAS BEEN A POLITICAL TRAUMA FOR PRIMIN MULDOON. HE HAS HAD TO BACK DOWN CONSIDERABLY FROM HIS ASSERTIONS OF FIVE MONTHS AGO THAT JAPAN WOULD HAVE TO BE "DRAGGED KICKING AND SCREAMING INTO THE 20TH CENTURY" AND THERE WOULD BE NO JAPANESE FISHERIES AGREEMENT UNTIL A BETTER DEAL FOR NEW ZEALAND'S AGRICULTURAL PRODUCTS HAD BEEN CONCLUDED. THE CLEAR REALITIES OF THE SITUATION DIFFERED SO MARKEDLY FROM THE PRIMIN'S RHETORIC, HOWEVER, THAT HE HAS HAD TO SUFFER SOMETHING OF A MEDIA AND OPPOSITION PARTY ROASTING ON THE ISSUE. USHIBA'S CANDID BUT ILL-TIMED DEBUNKING OF THE LINKAGE WAS SIMPLY TOO MUCH SALT IN THE WOUND AND MULDOON REACTED. THE NET RESULT WAS AN AGREEMENT WHICH DIFFERS NOT ONE IOTA FROM THE AGREEMENT WHICH MULDOON HAD DELAYED INITIALLING. WHAT HE HAS DONE, HOWEVER, IS TO RESORT TO THE ONE AREA OF EXCLUSIVE GNZ CONTROL -- QUOTA SIZES -- AND, THROUGH THEM, TO FORGE A UNILATERAL LINKAGE BETWEEN FISH AND AGRICULTURE. END COMMENT.

- D. JOINT STATEMENT AND PRIMIN'S STATEMENT

- AT THE GNZ INSISTENCE, JAPANESE AMBASSADOR KAGEI AND GNZ FONMIN TALBOYS ISSUED A JOINT STATEMENT AT THE SIGNING CEREMONY. THE JOINT STATEMENT WAS DESIGNED BY THE GNZ TO ELABORATE ON THE BLAND REFERENCE TO "NEW ZEALAND INTERESTS" IN ARTICLE X OF THE AGREEMENT. INTER ALIA, THE STATEMENT RECALLS "THAT THE WAY TO THE FISHING TALKS HAD BEEN OPENED BY THE AGREEMENT REACHED BETWEEN THE NEW ZEALAND PRIME MINISTER (MULDOON) AND THE

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PAGE 03 WELLIN 04826 02 OF 04 110753Z

JAPANESE MINISTER OF AGRICULTURE (NAKAGAWA) TO IMPROVE THE ECONOMIC AND TRADE RELATIONS BETWEEN JAPAN AND NEW ZEALAND."

- WHILE THIS WAS MAXIMUM LINKAGE RECOGNITION THE

GNZ COULD EXTRACT FROM THE GOJ, MFA ASSESSED (ACCURATELY) THAT IT WOULD STILL NOT SATISFY PRIMIN MULDOON. IN THE INTEREST OF "LIMITING THE DAMAGE"(WORDS OF MFA SOURCE) WHICH WOULD LIKELY RESULT FROM MULDOON'S SPONTANEOUS COMMENTS ON THE AGREEMENT, MFA PREPARED A FURTHER STATEMENT ON RELATIONS WITH JAPAN WHICH THE PRIMIN RELEASED COINCIDENT WITH AGREEMENT SIGNING. MULDOON'S STATEMENT SAYS NZ'S "TRADE INTERESTS ARE ONE OF THE CONSIDERATIONS WE MUST TAKE INTO ACCOUNT IN SETTING ANNUAL QUOTAS OF FISH." IN EXERCISING THESE RIGHTS, HE DECLARED:

- "THE INTEREST OF PARTICULAR IMPORTANCE IS THE LEVEL OF ACCESS TO THE JAPANESE MARKET PROVIDED FOR OUR AGRICULTURAL EXPORTS AND THIS POINT WAS MADE CLEAR TO THE JAPANESE BEFORE THEY SIGNED THE AGREEMENT. IN SETTING THE JAPANESE FISH ALLOCATION EACH YEAR, NEW ZEALAND WILL TAKE INTO ACCOUNT THE EXTENT TO WHICH IT CONSIDERS PROGRESS HAS BEEN MADE ON THE QUESTION OF ACCESS TO THE JAPANESE MARKET. THIS ARTICLE (ARTICLE X) CONSTITUTES THE NECESSARY LEGAL RECOGNITION OF THIS FACT. JAPAN HAS NOT SIGNED WITH ANY OTHER COUNTRY A FISHERIES AGREEMENT WHICH INCLUDES A PROVISION OF THIS NATURE.
... THE AGREEMENT I REACHED WITH MR. NAKAGAWA, THE SIGNING OF THE FISHERIES AGREEMENT AND THE ALLOCATION TO JAPAN OF FISHING QUOTAS BRING TO AN END A DIFFICULT PERIOD IN NEW ZEALAND-JAPANESE RELATIONS. THEY ALSO PROVIDE THE FOUNDATION FOR A NEW PHASE IN THE TOTAL RELATIONSHIP BETWEEN OUR TWO COUNTRIES."

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PAGE 01 WELLIN 04826 03 OF 04 110806Z
ACTION EA-12

INFO OCT-01 EUR-12 IO-13 ISO-00 STR-07 EB-08 AGRE-00
AID-05 OES-09 DLOS-09 CIAE-00 DODE-00 INR-10
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AMEMBASSY TOKYO
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AMCONSUL AUCKLAND BY POUCH

C O N F I D E N T I A L SECTION 03 OF 04 WELLINGTON 04826

- E. JAPANESE QUOTA:

- JAPANESE QUOTA FIGURES, WHICH WERE REPORTEDLY RESERVED BY THE GNZ LAST APRIL, WERE RELEASED TO THE GOJ SEPTEMBER 1ST. THE TOTAL IS APPROXIMATELY 105,000 TONS THROUGH AUGUST 31, 1979. THIS INCLUDES:

- 33,000 TONS OF SQUID FOR YEAR SEPT. 1, 1978 TO
- AUGUST 31, 1979;

- 65,000 TONS OF FIN FISH UP TO MARCH 31, 1979

- (QUOTAS FOR FIN FISH WILL BE FOR YEAR,

- APRIL 1 TO MARCH 31); AND

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PAGE 02 WELLIN 04826 03 OF 04 110806Z

- ABOUT 7,000 TONS OF BLUE-FIN TUNA.

(THE GNZ HAS SET NO QUOTA FOR TUNA; RATHER, THE TOTAL JAPANESE TAKE WILL BE REGULATED BY RESTRICTING THE NUMBER OF LICENSED TUNA VESSELS TO THE APPROXIMATE NUMBER WHICH FISHED NZ WATERS IN 1977, WHEN 7,000 TONS WERE TAKEN.) THE QUOTA ALLOCATED COMPARES WITH JAPANESE CLAIMS THAT 200,000 TONS OF FIN FISH AND 50,000 TONS OF SQUID WERE TAKEN FROM NZ WATERS IN 1977 AND A COMBINED TOTAL OF 166,000 TONS IN 1976. ACCORDING TO THE NZ PRESS, THE JAPANESE FISHING INDUSTRY IS SHARPLY CRITICAL OF THE QUOTA LIMITS BECAUSE OF JAPAN'S HISTORICAL INTEREST IN THE NZ FISHERY, ITS GOOD RECORD OF REPORTING AND COMPLIANCE WITH REGULATIONS, AND ITS HIGH ANNUAL CATCH TOTALS. NZ INDUSTRY SOURCES AND THE GNZ DEFEND THE QUOTA ALLOCATIONS, HOWEVER, BY POINTING OUT THAT THE JAPANESE QUOTA IS ROUGHLY TWICE THE SOVIET QUOTA AND THREE TIMES THAT OF THE SOUTH KOREANS. THEY HAVE ALSO REMINDED THE JAPANESE THAT THE FIN FISH TOTAL IS FOR SEVEN MONTHS. TO HAVE PERMITTED A QUOTA COMPARABLE TO LAST YEAR'S CATCH FOR THE REMAINDER OF THE SEASON WOULD HAVE COUNTENANCED CONCENTRATED FISHING OF A MAGNITUDE UNACCEPTABLE TO THE CONSERVATION-MINDED GNZ. (FYI: ACCORDING TO MFA SOURCES, THERE WAS NO TACIT LINKAGE IN THIS YEAR'S QUOTA WITH THE LEVEL OF NZ AGRI-

CULTURAL ACCESS TO THE JAPANESE MARKET. THE BALL IS NOW IN JAPAN'S COURT ON THIS ISSUE, THEY SAY, AND NEXT YEAR'S QUOTAS FOR JAPAN -- AND LESS SO FOR THE SOVIETS AND SOUTH KOREANS -- WILL ALMOST CERTAINLY REFLECT THE LEVEL OF ACCESS AND PURCHASES OF NZ AGRICULTURAL PRODUCTS. END FYI.)

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PAGE 03 WELLIN 04826 03 OF 04 110806Z

2. COPIES OF FISHERIES AGREEMENT, JOINT STATEMENT, AND PRIME MINISTER'S STATEMENT OF AUGUST 18 AND SEPTEMBER 1 HAVE BEEN POUCHED TO: EA/ANZ, LEGAL ADVISOR'S OFFICE, OES, NMFS, AND RFO/TOKYO.

3. SOUTH KOREAN APPEAL FOR INCREASED QUOTAS:

- ON AUGUST 29-30, THE DIRECTOR GENERAL OF SOUTH KOREA'S FISHERIES, ADMIRAL SHIN, WAS IN WELLINGTON FOR DISCUSSIONS WITH GNZ CONCERNING SOUTH KOREA'S FISHERIES QUOTA. ADMIRAL SHIN, ACCORDING TO MFA SOURCES, FOLLOWED UP "STRONG APPEALS" BY ROK AMBASSADOR LEE AGAINST THE 32,000 TON QUOTA ACCORDED SOUTH KOREAN FISHING VESSELS BY THE GNZ. THE KOREANS' APPEAL WAS GIVEN A COURTEOUS HEARING, BUT WAS REJECTED BY MFA OFFICIALS AND PERSONALLY BY FORMIN TALBOYS. THE KOREANS WERE TOLD THAT, GIVEN THEIR VERY RECENT ENTRY INTO THE NZ FISHERY, THEIR REPORTED CATCH VOLUMES, AND THEIR POOR RECORD OF RESEARCH AND CATCH REPORTING, THEY WERE LUCKY TO BE ALLOCATED AS MUCH AS 32,000 TONS. THEY, HOWEVER, WERE ASSURED THAT A FULL REVIEW OF THEIR RECORD AND GNZ'S RESEARCH DATA ON SUSTAINABLE YIELDS WOULD BE UNDERTAKEN BEFORE 1979 ALLOCATIONS WERE MADE.

4. VISIT OF REPUBLIC OF CHINA (ROC) FISHING INTERESTS:

- DURING THE WEEK OF AUGUST 25, ROC FISHING INTERESTS, ACCOMPANIED BY THEIR AUCKLAND-BASED TRADE REPRESENTATIVES (TRADESPAN), HELD TALKS WITH NZ MINISTRY OF FISHERIES AND MFA OFFICIALS. ACCORDING TO AN MFA SOURCE, THE

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PAGE 01 WELLIN 04826 04 OF 04 110836Z
ACTION EA-12

INFO OCT-01 EUR-12 IO-13 ISO-00 EB-08 AGRE-00 AID-05
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C O N F I D E N T I A L SECTION 04 OF 04 WELLINGTON 04826

CHINESE EXPRESSED AN INTEREST ONLY IN SQUID FISHING.
THEY NOTED THAT THE SUBSTANTIAL SQUID QUOTA REPORTEDLY
SET ASIDE BY THE GNZ FOR JAPANESE FISHING INTERESTS
WAS SO FAR GOING UNUSED AND REQUESTED AN 8,000 TON
QUOTA FOR ROC FISHING VESSELS. THE GNZ RESPONSE WAS
THAT THE CHINESE HAD NO HISTORY OF SQUID FISHING IN THE
NZ ZONE, THEY WERE "NOTABLE OFFENDERS" IN VIOLATING
FISHING REGULATIONS OF NZ AND OTHER STATES, AND ROC
TRADE WITH NZ HAD NOT SHOWN AN APPRECIABLE INCREASE.
THERE COULD, THEREFORE, BE NO SQUID QUOTA FOR ROC
INTERESTS THIS YEAR, BUT THE GNZ WOULD TAKE ANOTHER
LOOK NEXT YEAR. (FYI: THE CHINESE DO HAVE A HISTORY
OF A MODEST AMOUNT OF POLE FISHING FOR TUNA IN THE NZ
ZONE. MFA SOURCES CONFIDENTIALLY ACKNOWLEDGED THAT
THE GNZ WAS PREPARED TO RESPOND AFFIRMATIVELY TO A
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PAGE 02 WELLIN 04826 04 OF 04 110836Z

REQUEST FOR A LIMITED NUMBER OF LICENSES FOR ROC POLE
BOATS TO OPERATE IN THE NZ ZONE DURING THE 1978-79
TUNA SEASON. THE CHINESE, HOWEVER, DID NOT RAISE THIS
ISSUE AND, IN THE ABSENCE OF A REQUEST, THE GNZ MADE
NO OFFER. A SOURCE SAID THE GNZ WAS PLEASED THAT THE
QUESTION OF ROC TUNA LICENSES HAD NOT COME UP, SINCE IT
WAS A POTENTIAL IRRITANT TO NEW ZEALAND-PRC RELATIONS
AND TO THE NZ FISHING INDUSTRY. HE SAID THE GNZ, IF

THEY HAD BEEN REQUESTED, WOULD HAVE GRANTED LICENSES
NONETHELESS, BASED ON A SENSE OF EQUITY. END FYI.)

5. 1977 EXPORT PERFORMANCE OF NZ FISHING SECTOR:

- ACCORDING TO THE 1977 ANNUAL REPORT OF THE NZ FISHING
INDUSTRY BOARD, 1977 NZ FISHING SECTOR EXPORTS AMOUNTED
TO 26,000 TONS, VALUED AT MORE THAN DOLS 50 MILLION.
THIS WAS INCREASE IN VALUE OF MORE THAN 33 PERCENT FROM
PREVIOUS YEAR. THE U.S. REMAINS NEW ZEALAND'S BEST
FISH CUSTOMER, TAKING DOLS 22.5 MILLION WORTH. JAPAN
WAS SECOND WITH PURCHASES OF DOLS 9.2 MILLION AND
AUSTRALIA THIRD AT DOLS 8.9 MILLION. ROCK LOBSTER
ACCOUNTED FOR LARGEST SHARE OF EXPORT VALUE
(DOLS 23.6 MILLION), OF WHICH U.S. TOOK 78 PERCENT.
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